

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 254 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

STATE OF GUJARAT

Versus

SWAMIPRASAD SUDUR PANDE

Appearance:

Mr. Shastri for MR DA BAMBHANIA for Petitioners
Mr.P. Upadhyay for MR TR MISHRA for Respondent No. 1
SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 25/04/97

ORAL JUDGEMENT

This Special Civil Application is directed against the award and order dated 23.11.95 passed by the First Labour Court, Ahmedabad in Recovery Application No.3821 of 1986 whereby the petitioner-State of Gujarat and the Director, E.S.I. Scheme, Medical Department, Ahmedabad were directed to pay a sum of Rs.65020/- with cost of Rs.500/- to the respondent No.1 against wages for

the over time. The amount of overtime wages was for the period during 15.7.73 to 31.7.86 and the Recovery Application was filed in the year 1986. As per the impugned order, the petitioners are required to pay a sum of Rs.65020/- to the respondent No.1 against wages for the over time.

The application for claiming the amount of over time wages having been filed on 20.8.86, both the sides submit that the application was filed after long and inordinate delay, which remains unexplained. Although the Limitation Act as such is not applicable, the delay remains unexplained. Mr. Upadhyay does not dispute that this question has been considered in detail by this court while deciding Special Civil Application No.2294 of 1994 on 30.4.96 and the case is fully covered in favour of the petitioners by the aforesaid judgment. In this view of the matter, the claim for the over time wages should have been rejected by the concerned authority. Consequentially the impugned order dated 23.11.95 passed by the First Labour Court, Ahmedabad directing the petitioners to pay a sum of Rs.65020/-, as aforesaid, to the respondent No.1 is hereby quashed and set aside. Rule is made absolute accordingly. No order as to costs.